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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 28th August, 1986/Bhadra 6, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 26th August, 1986, and is hereby published for general information:—

THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986

No. 38 OF 1986

[*26th August*, 1986.]

An Act further to amend the High Court Judges (Conditions of Service) Act 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 4.

2. In section 4 of the High Court Judges (Conditions of Service) Act, 1954 (hereafter in this Chapter referred to as the High Court Judges Act), in sub-section (2), in clause (*a*),— 28 of 1954.

(*a*) in sub-clause (*i*), the word "and" occurring at the end shall be omitted;

(*b*) after sub-clause (*ii*), the following sub-clause shall be inserted, namely:—

"(*iii*) where the Judge had, prior to his appointment as such, held any pensionable post under the Union or a State, the period of leave earned by him in the said post, so, however, that such period shall not exceed one hundred and eighty days in terms of leave on full allowances; and".

Amendment of section 17A.

3. In section 17A of the High Court Judges Act,—

(*a*) for sub-sections (*1*) and (*2*), the following sub-sections shall be substituted, namely:—

"(*1*) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, dies, whether before or after retirement in circumstances to which section 17 does not apply, family pension calculated at the rate of fifty per cent of the pension admissible to him on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of half of the family pension so admissible.

Explanation.—For the purposes of determining the person or persons entitled to family pension under this sub-section,—

(*i*) in relation to a Judge who elects or is eligible to receive pension under Part I of the First Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A', shall apply;

(*ii*) in relation to a Judge who elects to receive pension under Part II or Part III of the First Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.

(2) Where any Judge, who has elected to receive the pension payable to him under Part II or Part III of the First Schedule, retires, or dies in circumstances to which section 17 does not apply, gratuity, if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that gratuity.";

(*b*) in sub-section (*3*), in clause (*iii*), for the words "thirty thousand rupees", the words "fifty thousand rupees" shall be substituted;

(*c*) in the *Explanation*, for the words, brackets and figures "sub-sections (*2*) and (*3*)", the word, brackets and figure "sub-section (*3*)" shall be substituted.

Insertion of new section 20A.

4. After section 20 of the High Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 5th day of September, 1977, namely:—

Deposit Linked Insurance Scheme.

"20A. The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.".

Substitution of new sections for sections 22B and 22C.

5. In the High Court Judges Act, for sections 22B and 22C, the following sections shall be substituted, namely:—

Conveyance facilities.

"22B. Every Judge shall be entitled to a staff car and one hundred and fifty litres of petrol every month or the actual consumption of petrol per month, whichever is less.

Sumptuary allowance.

22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of five hundred rupees per month and three hundred rupees per month, respectively.".

Amendment of the First Schedule.

6. In the First Schedule to the High Court Judges Act,—

(*a*) in Part I, after paragraph 10, the following paragraph shall be inserted, namely:—

'11. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

(*i*) for paragraph 2, the following paragraph shall be substituted, namely:—

"2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies

and who has completed not less than seven years of service for pension shall be—

(*a*) for service as Chief Justice in any High Court, Rs. 4,500 per annum for each completed year of service;

(*b*) for service as any other Judge in any High Court, Rs. 3,430 per annum for each completed year of service:

Provided that the pension shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

(*ii*) paragraphs 3 to 5 shall be omitted;

(*iii*) in paragraph 6, for the word and figure "paragraph 5", the word and figure "paragraph 2" shall be substituted;

(*iv*) for paragraph 8, the following paragraph shall be substituted, namely:—

"8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 54,000 per annum.";

(*v*) in paragraph 9, for the figures "6,000", the figures "15,750" shall be substituted;

(*vi*) paragraph 10 shall be omitted.';

(*b*) in Part III, after paragraph 3, the following paragraph shall be inserted, namely:—

'4. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be substituted;

(*B*) after clause (*b*), the following proviso shall be inserted, namely:—

"Provided that the pension under clause (*a*) and the additional pension under clause (*b*) together shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

(*ii*) paragraph 3 shall be omitted.'.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) ACT, 1958

Amendment of section 4.

41 of 1958.

7. In section 4 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Chapter referred to as the Supreme Court Judges Act), in sub-section (*2*), in clause (*a*), in sub-clause (*iii*), for the words "four months in terms of leave on half allowances", the words "one hundred and eighty days in terms of leave on full allowances" shall be substituted.

Amendment of section 16A.

8. In section 16A of the Supreme Court Judges Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986,—

(*a*) dies before retirement, family pension calculated at the rate of fifty per cent. of the pension admissible to him on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of half of the family pension so admissible; and

(*b*) dies after retirement, family pension calculated at the rate of half of the pension so admissible to him shall be payable to the person or persons entitled thereto.

Explanation.—For the purposes of determining the person or persons entitled to family pension under this sub-section,—

(*i*) in relation to a Judge who elects or is eligible to receive pension under Part I of the Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A', shall apply;

(*ii*) in relation to a Judge who elects to receive pension under Part II or Part III of the Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.".

(*b*) in sub-section (*2*), in clause (*iii*), for the words "thirty thousand rupees", the words "fifty thousand rupees" shall be substituted;

(*c*) in the *Explanation*, for the words "In this section", the words, brackets and figure "In sub-section (*2*)" shall be substituted.

Insertion of new section 20A.

9. After section 20 of the Supreme Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 5th day of September, 1977, namely:—

Deposit Linked Insurance Scheme.

"20A. The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.".

Substitution of new section for section 23A.

10. In the Supreme Court Judges Act, for section 23A, the following section shall be substituted, namely:—

Conveyance facilities.

"23A. Every Judge shall be entitled to a staff car and one hundred and fifty litres of petrol every month or the actual consumption of petrol per month, whichever is less.".

Amendment of section 23B.

11. In section 23B of the Supreme Court Judges Act, for the words 'five hundred rupees per month and three hundred rupees", the words "one thousand two hundred and fifty rupees per month and seven hundred and fifty rupees" shall be substituted.

Amendment of the Schedule.

12. In the Schedule to the Supreme Court Judges Act,—

(*a*) in Part I, after paragraph 6, the following paragraph shall be inserted, namely:—

'7. In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "470", "20,000" and "1,200", the figures "1,235", "37,500" and "3,150" shall respectively be substituted.

(*B*) in the proviso, for the figures "26,000", the figures "60,000" shall be substituted;

(*ii*) to paragraph 3, the following proviso shall be added, namely:—

"Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum.".

(*iii*) in paragraph 5, for the figures "7,500", the figures "19,700" shall be substituted;

(*iv*) paragraph 6 shall be omitted.';

(*b*) in Part III, after paragraph 3, the following paragraph shall be inserted, namely:—

'4 In the case of a Judge to whom this Part applies and who has retired on or after the commencement of the High Court and

Supreme Court Judges (Conditions of Service) Amendment Act, 1986, the foregoing provisions of this Part shall have effect subject to the modifications that—

(*i*) in paragraph 2,—

(*A*) in clause (*b*), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be substituted;

(*B*) after clause (*b*), the following proviso shall be inserted, namely:—

"Provided that the pension under clause (*a*) and the additional pension under clause (*b*) together shall in no case exceed Rs. 60,000 per annum in the case of the Chief Justice and Rs. 54,000 per annum in the case of any other Judge.";

(*ii*) paragraph 3 shall be omitted.'.

S. RAMAIAH,
Secy. to the Govt. of India.

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